

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Docket No. 05A-30159-MDX

KENLEY MOSHE REMEN, M.D.

Case No. MD-05-0164A

Holder of License No. 30159
For the Practice of Allopathic
Medicine in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER FOR STAYED REVOCATION AND
LICENSE SUSPENSION**

On August 10, 2005 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge (ALJ) Brian Brendan Tully's proposed Findings of Fact and Conclusions of Law and Recommended Order involving Kenley Moshe Remen, M.D. ("Respondent"). The ALJ delayed the commencement of the hearing to allow for the late arrival of Respondent or an attorney authorized to represent him, but no appearance was made by Respondent. Respondent was notified of the Board's intent to consider this matter at the Board's public meeting. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Stephen A. Wolf. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

The Board, having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 30159 for the practice of allopathic medicine in the State of Arizona.

1 3. This matter came on for hearing before the Office of Administrative
2 Hearings, an independent agency, pursuant to the Notice of Hearing issued by the Board
3 on the Summary Suspension Order issued by the Board on March 23, 2005 in Case No.
4 MD-05-0164. In that Order, the Board concluded that the public health, safety or welfare
5 imperatively required emergency action and it ordered the summary suspension of
6 Respondent's allopathic medical license subject to formal hearing.

7 4. The Notice of Hearing dated April 8, 2005 was mailed to Respondent at
8 his address of record at the Board.

9 5. The Board initiated case number MD-05-0164 on March 17, 2004 after
10 receiving notification from a Maricopa Integrated Health System psychiatric provider that
11 Respondent had been ordered by the Maricopa County Superior Court to undergo in-
12 patient psychiatric evaluation and treatment.

13 6. On February 22, 2005, Respondent's mother, Patricia Remen, filed an
14 Application for Involuntary Evaluation with the Maricopa County Superior Court. In the
15 application, it was alleged that Respondent had been in a rage for five days resulting in
16 damage to his parents' property. Mrs. Remen's application said that Respondent wanted
17 his parents dead so that he could get their money.

18 7. As a result of that application, Respondent was hospitalized at Maricopa
19 Integrated Health Services Psychiatric Annex from February 25, 2005 to March 4, 2005.

20 8. Records subsequently reviewed by the Board indicate that Respondent
21 was diagnosed with Bipolar Disorder I – manic with psychosis.

22 9. On March 4, 2005 Respondent was placed on Court Ordered Treatment
23 for Danger to Self and Danger to Others. The Court Ordered Treatment expires March 4,
24 2006 and specifies that Respondent's combined inpatient/outpatient treatment is to be
25

1 administered and supervised by ValueOptions, with inpatient not to exceed 180 days of
2 the total term of the Court Ordered Treatment.

3 10. Respondent has violated the Court Ordered Treatment by not taking his
4 prescribed medication and treatment. Respondent is presently in the State of Israel.

5 11. Prior to his court-ordered evaluation and treatment, Respondent was
6 removed by security officials at Cedars Sinai Hospital in Los Angeles and University
7 Medical Center in Tucson. Respondent had entered the hospitals without invitation or
8 appointment to teach the doctors there how to reverse the effects of coronary artery
9 disease and prostate cancer through yoga and spiritual healing.

10 12. The evidence of record supports the Board's summary suspension of
11 Respondent's allopathic medical license. Respondent's subsequent failure to comply with
12 the Court Ordered Treatment warrants additional disciplinary action in order to protect the
13 public health, safety and welfare.

14 13. Until Respondent successfully completes the required evaluations and
15 treatments, and reestablishes his competency to practice medicine to the Board,
16 Respondent, as an allopathic physician, is a threat to the public health, safety and
17 welfare.

18 CONCLUSIONS OF LAW

19 1. The Board has jurisdiction over the subject matter hereof and over
20 Respondent.

21 2. The Board has the burden of proof in this matter. The standard of proof is
22 a preponderance of the evidence. A.R.S. § 41-1092.07(G)(2).

23 3. The conduct and circumstances described in the above Findings of Fact
24 support the conclusion that Respondent is mentally unable to safely engage in the
25 practice of medicine. A.R.S. § 32-1451(A).

4. Based upon the Board's Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively required the Board to take the emergency action of summarily suspending Respondent's allopathic medical license pending formal hearing. A.R.S. §32-1451(D).

5. The conduct and circumstances described in the above Findings of Fact warrant the imposition of discipline against Respondent pursuant to A.R.S. § 32-1451(M). A stayed revocation of Respondent's medical license is justified by the evidence of record.

6. Respondent may be assessed the costs of the formal hearing in this case.

A.R.S. § 32-1451(M).

ORDER

Based upon the Findings of Fact and Conclusions of Law as adopted, the Board hereby enters the following Order:

1. The Summary Suspension of Respondent's License No. 30159 remains in place until the effective date of the entered Order in this matter.

2. Respondent's license No. 30159 is revoked on the effective date of this Order. However, Revocation of Respondent's license No. 30159 is stayed for no longer than one year from the effective date of the revocation, during which time Respondent's license is Suspended, subject to the following terms and conditions:

a. Respondent shall report his present address to the Board.

b. Upon Respondent's return to Arizona, he is to undergo Board ordered psychiatric, psychological, psychometric and substance abuse evaluations. Respondent is to also undergo any additional evaluations required by evaluators.

c. Respondent shall follow the Board's recommendations based upon those evaluations.

1 d. If Respondent fails to undergo the required evaluations within one year
2 from the effective date of the entered Order in this matter and fails to comply with any
3 required treatment, then the stay of revocation shall be lifted and his license revoked
4 effective one year from the effective date of the entered Order in this matter.

5 e. If Respondent is fully complaint with the requirements for evaluations
6 and treatment within one year from the effective date of the entered Order in this matter,
7 the stay of revocation shall remain in place and Respondent's license shall remain
8 suspended while he is compliant unless: (i) he becomes non-compliant, in which case
9 the stay of revocation is lifted; or (ii) Respondent applies to the Board for termination of
10 the license suspension and stayed revocation, and such an application is granted by the
11 Board.

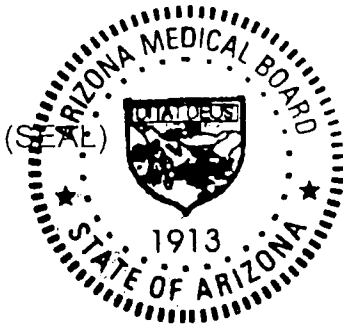
12 3. Respondent is assessed the cost of the formal hearing in this matter to
13 be paid by Respondent within 60 days from the date of invoice, or as otherwise extended
14 by the Board. Respondent's failure to pay those costs within one year from the effective
15 date of the entered Order in this matter shall constitute grounds for lifting the stay of
16 revocation.

17 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

18 Respondent is hereby notified that he has the right to petition for a rehearing or
19 review by filing a petition with the Board's Executive Director within thirty (30) days after
20 service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient
21 reasons for granting a rehearing. A.C.C. R4-16-102. Service of this order is effective five
22 (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order
23 becomes effective thirty-five (35) days after it is mailed to Respondent.

24 Respondent is further notified that the filing of a motion for rehearing is required to
25 preserve any rights of appeal to the Superior Court.

1 Dated this 15th day of August, 2005.



ARIZONA MEDICAL BOARD

By: Amanda J. Diehl
Amanda J. Diehl, MPA, CPM
Deputy Executive Director

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8 Original of the foregoing filed this
15th day of August, 2005, with:

9 Arizona Medical Board
10 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

11 Copy of the foregoing filed this
12 15th day of August, 2005, with:

13 Cliff J. Vanell, Director
14 Office of Administrative Hearings
1400 W. Washington, Ste. 101
15 Phoenix, AZ 85007

16 Executed copy of the foregoing mailed
16 by Certified Mail this 15th day of August,
17 2005, to:

18 Kenley Moshe Remen, M.D.
(Address of record)

19 Executed copy of the foregoing mailed
20 this 15th day of August, 2005, to:

21 Dean Brekke
22 Assistant Attorney General
22 Office of the Attorney General
23 CIV/LES
1275 W. Washington
24 Phoenix, Arizona 85007

25 John J. Brekke